

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

INCOME TAX REFERENCE No 40 of 1984

WITH

INCOME TAX REFERENCE NO 68 of 1986

WITH

INCOME TAX REFERENCE NO 121 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKER and
MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

M K S RANJITSINHJI

Versus

COMMISSIONER OF INCOME TAX

Appearance:

MR RK PATEL for Petitioner

MR P.G.DESAI With MANISH R BHATT for Respondent No. 1

CORAM : MR.JUSTICE C.K.THAKKER and
MR.JUSTICE M.C.PATEL

Date of decision: 29/06/98

ORAL JUDGEMENT (Per M.C.Patel, J)

These three references have been made by the Income Tax Appellate Tribunal, Ahmedabad Bench at the instance of the same assessee in respect of three different assessment yers. In all the references, the question referred for the opinion of this court is the same which is as follows :-

"On the facts and circumstances of the case, whether the Income-Tax Appellate Tribunal was justified in not holding the cash annuity in lieu of resumption of two villages for life time as capital receipt?"

2. The Learned Counsel for the assessee has drawn our attention to the judgement of the Division Bench of this Court in Commissioner of Income Tax, Rajkot Vs. M.S.S.Ranjitsinghji (Income Tax Reference No.195 of 1982 with Income Tax Reference No.326 of 1983) in which this very question was answered in favour of the assessee in respect of assessment years 1973-74 and 1975-76. The Learned Counsel for the Revenue does not dispute this position. In view of the said decision of this court, the question referred in the present group of references has to be answered in favour of the assessee.

3. The question is therefore answered in the negative and in favour of the assessee. No order as to costs.

(C.K.Thakker, J)

(M.C.Patel, J)

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